

## REMARKS

In the Office Action mailed on January 23, 2008, all previous rejections of the claims are withdrawn in response to applicant's remarks made in Amendment B. Applicant is grateful for this reconsideration. The January Office Action also, however, once again cites Shaffer in view of new references to reject all pending claims as obvious. These rejections are traversed for the reasons set forth below.

### A. SUMMARY OF ARGUMENTS

Independent claims 1 and 21 are rejected as obvious under 35 U.S.C. §103(a) over Shaffer et al. (U.S. 6,775,247) in view of Jang et al. (U.S. 6,442,758) and in further view of Belknap et al. (U.S. 6,963,910). Independent claims 20 and 26 have likewise been rejected over Shaffer in view of Jang and Belknap, and in further view of Ho (U.S. 7,151,162). It is submitted that these rejections are improper for at least the following reasons:

- Shaffer is cited as disclosing communicating video streams from each of a plurality of users to all other users wherein each of the users receives a plurality of video data streams. This is not correct, however. Instead, Shaffer clearly discloses that each of its users (PCS's 12a - 12d) receives only a single video stream (15a in Fig. 1A). Col. 1, lines 22-25.
- The Abstract of Jang is cited as disclosing that each of the first video streams from each standard user is communicated to all others of the standard users. The Abstract of Jang (nor any other section), however, discloses this. Instead, Jang teaches a system for registering a plurality of subscribers for videoconferencing services. Abstract. It makes no disclosure, however, of each user sending a video data stream to all others of the users.
- Belknap is cited as teaching that communicating a primary video data stream to a primary user requires less bandwidth than does communication of first data streams to standard users. This is incorrect, however, since Belknap discloses communicating the *same single video stream* to all users – it is sent to low bandwidth internet clients at a low bit rate while the *same stream* is communicated to higher bandwidth ISDN / intranet clients at higher bandwidth. Col. 27, lines 52-55.

These and other reasons for withdrawing the rejections are discussed in detail herein below.

**B. THE §103 REJECTIONS OF CLAIMS 1, 20, 21 AND 26 ARE IMPROPER AND SHOULD BE WITHDRAWN**

Independent claims 1 and 21 have been rejected as obvious over Shaffer in view of Jang and Belknap, and independent claims 20 and 26 as obvious over Shaffer in view of Jang, Belknap, and further in view of Ho. It is submitted that these rejections are improper for the following reasons.

**B.(1) SHAFFER FAILS TO DISCLOSE EACH STANDARD USER RECEIVES VIDEO STREAMS FROM ALL OTHER STANDARD USERS**

Claim 1 requires, among other elements, that each of a plurality of standard users be communicating at least one first video data stream to all others of the users wherein each of the users receives a plurality of first video data streams. Similarly, claim 20 requires each of a plurality of standard users to receive multiple audio and video data streams and claim 21 requires the each standard user receive video and audio data streams from all other standard users. Independent claim 26 requires receiving a plurality of real time data streams from each of a plurality of standard users. Shaffer is cited as disclosing these required elements of claims 1, 20, 21 and 26.

In particular, the Office Action states: “(In) Fig. 1A, each user receives stream 15a, four 15a streams are being received by PCS’s 12a -12d.” This assertion is incorrect in at least two aspects. On its face this citation admits that all PCS’s 12a-12d (i.e., each standard users) receives *only one single video data stream – stream 15a*. Although four users admittedly receive four copies of stream 15a collectively, *each individual user receives only a single stream 15a*. Accordingly, this citation admits that Shaffer fails to disclose the required element of all independent claims that each user receives a plurality of data streams – at least one from each of the other standard users.

Shaffer expressly confirms that *only a single dominant video stream is received and communicated to all users* when it teaches that all of data streams 15B, 15C and 15D are suppressed and not sent to the MCU 12 during a conference: “the multimedia conference unit first determines which caller is a dominant caller. . . (and) then commands subordinate callers to suppress a portion of their signals passed over the network. ... (O)nly the dominant caller transmits video signals to the subordinate callers...” col. 2, lines 36-43. Accordingly, each user is not receiving video data streams from all other users (i.e., a different stream from each user) as is required by claims 1, 20 and 21, but instead all users are receiving only the same single stream 15a originating from user 12a.

Further, as best understood the Office Action’s citation to Shaffer suggests that PCS’s 12a-12d collectively comprise a single user. This is clearly incorrect, however, since PCS 12a, 12b, 12c and 12d are each an individual personal conferencing system (PCS): “The network 10 includes multiple personal conferencing systems (in this example, PCS 12a, 12b, 12c and 12d) as well as a MCU 14 that is coupled to PCS’s 12a-12d. ... A PCS may be a video telephone, telephony enabled computer, and/or portable device...” Col. 1, lines 22-31.

Accordingly, the Office Action’s suggestion that Fig. 1A of Shaffer discloses that each individual user (PCS) receives a plurality of video streams from all other users is incorrect. The rejections of independent claims 1, 20, 21 and 26 are therefore improper and must be withdrawn.

**B.(2) JANG FAILS TO DISCLOSE EACH STANDARD USER COMMUNICATES FIRST VIDEO STREAMS TO ALL OTHER STANDARD USERS**

The Office Action admits that Shaffer fails to disclose continuing to communicate data streams to all standard users while communicating only a primary stream(s) to a primary user(s). For this required element the Office Action relies on a combination of Jang and Belknap. The Office Action cites the abstract of Jang as disclosing that a video data stream from each of the standard users is communicated to all others of the standard users.

Despite careful review of the abstract of Jang, no such disclosure can be found. Study of remaining portions of Jang likewise fail to disclose this required element of claims 1, 20, 21 and 26. Instead, Jang teaches a system wherein multiple videoconference subscribers can register for desired services. Abstract. Jang is silent, however, with regard to the particular streams communicated between users during a videoconference. Jang simply discloses that supported videoconferences may be two party or multi-party. Para. 0035. There is no disclosure of each user communicating streams to all other users. This is another reason that the rejections of claims 1, 20, 21 and 26 are improper and must be withdrawn.

If the Examiner should disagree and maintain this rejection, clarification is requested, and in particular a more detailed citation to and explanation of the disclosure of Jang is requested showing disclosure of communication of data streams from each standard user to all other standard users wherein each standard user receives a plurality of streams from all other users.

**B.(3) BELKNAP FAILS TO DISCLOSE THAT COMMUNICATION OF A PRIMARY STREAM REQUIRES LESS BANDWIDTH THAN COMMUNICATION OF A PLURALITY OF FIRST STREAMS**

Independent claims 1, 21 and 26 require, among other elements, that communication of the primary data stream to the primary users requires less bandwidth than does communication of the plurality of first video data streams to the standard users. The Office Action admits that Shaffer and Jang (either alone or in combination) fail to disclose or suggest this, and instead cites Belknap for disclosure of this element. Belknap, however, fails to disclose this. Instead of communicating a primary data stream to a primary user while *simultaneously communicating a plurality of first streams* to standard users at a higher bandwidth, Belknap's teaching is limited to communicating the *same single stream* to all users at different bandwidths.

Belknap teaches a system wherein a *single video stream* is sent to internet users at a low bandwidth while that *same stream* is simultaneously sent to intranet / ISDN users at

a higher bandwidth: “(VideoCharger) allows a ... *single video stream* to be sent to multiple clients...” col. 2, lines 7-8 (emphasis added), and; “The VideoCharger ... offers a solution for both the Internet environments as well as the Intranet. For the Internet clients ... typically connected via slower network connections, VideoCharger will support the delivery of Low Bit Rate video (LBR). ... The LBR video can be encoded at higher quality rates to provide higher resolution ... (for) clients which are connected via ISDN modems, cable modems or an Intranet network.” Col. 27, lines 52-65.

Belknap’s disclosure is therefore very different from the requirements of claims 1, 21 and 26, since Belknap is limited to communicating a *single video stream* to internet users at a low bit rate while simultaneously communicating to intranet users at a higher bandwidth. Claims 1, 21 and 26, on the other hand, require that a primary stream be communicated to a primary user at a bandwidth that is less than that required to simultaneously communicate a plurality of first streams to first users. This is still another reason that the rejection of claims 1, 21 and 26 are improper and must be withdrawn.

**C. THE §103 REJECTIONS OF CLAIMS 1, 20, 21 AND 26 CONTRADICT EARLIER ADMISSIONS REGARDING SHAFFER.**

In rejecting independent claim 1, the Final Office Action mailed on October 29, 2007 correctly admitted that Shaffer fails to disclose that each standard user receives real time data streams from all other standard users (whereby each standard user receives a plurality of data streams): “... Shaffer does not teach communicating each of the first video streams from each of the standard users to all others of the standard users ...” para. 7. The present Office Action, on the other hand, contradicts this admission and incorrectly cites Shaffer for this very same proposition to reject all of the independent claims. As discussed above (and as correctly admitted by the Final Office Action), Shaffer fails to disclose these required elements and the rejections of all independent claims must therefore be withdrawn.

**D. SEVERAL DEPENDENT CLAIMS ARE ALLOWABLE ON INDEPENDENT GROUNDS**

All of the independent claims are allowable for reasons set forth above. Dependent claims are therefore also allowable for the same reasons as are the independent claims from which they depend. Several dependent claims are allowable on independent grounds as well.

**D.(1) JANG FAILS TO DISCLOSE A PLURALITY OF VIDEO DATA STREAMS COMMUNICATED FROM EACH OF THE STANDARD USERS AS REQUIRED BY CLAIM 9**

Claim 9 depends from claim 1 and further requires that the at least one first video data stream communicated from each of the standard users comprises a plurality of video data streams. That is, claim 9 requires that each standard user transmit a plurality of video data streams. The benefits of such multiple video stream embodiments are explained in the specification: “(t)he standard user A includes cameras 1, 2 and 3 that have been shown as elements 16, 18 and 20 respectively. These cameras may be trained on different people or things that the standard user A with an example being camera 1 at a blackboard, camera 2 at a speaker and camera 3 at an audience.” page 5, lines 23-27. See also Table 1 showing each standard user A, B, C and D communicating multiple outgoing data streams. Page 8.

In rejecting claim 9, the Office Action cites Fig. 5 of Jang. This Fig., however, fails to disclose that each standard user is communicating a plurality of video streams to all other users. Instead, this Fig. simply illustrates an architecture for processing video signals – it makes no disclosure of where signals are received from, or how many streams are communicated from each user: “Fig. 5 shows the manner in which video signals may be cascaded. In this case, the incoming video signals from the individual remote user terminals are received in compressed form; and, to continue the example which is being discussed, it is assumed that the compressed form may be in keeping with MPEG compression protocols.” Col. 11, lines 25-30.

**D.(2) SHAFFER FAILS TO DISCLOSE FIRST AND SECOND PRIMARY STREAMS THAT ARE DIFFERENT FROM ONE ANOTHER AS REQUIRED BY CLAIM 11**

Claim 11 depends from claim 1 and further requires that the at least one primary data stream comprises two primary streams that are different from one another, and further requires that the different primary streams are communicated to different primary users. Put another way, claim 11 requires three distinct sets of data streams and recipients: (1) standard users receiving standard streams from all other users, (2) a first primary user receiving a first primary stream, and (3) a second primary user receiving a second primary stream that is different from the first primary stream. The Office Action cites Fig. 3B of Shaffer as disclosing this. It is submitted that this is incorrect, however, since that Fig. fails to illustrate three different sets of data streams being sent to three different users.

**D.(3) BELKNAP FAILS TO DISCLOSE THAT COMMUNICATION OF A PRIMARY STREAM REQUIRES LESS BANDWIDTH THAN COMMUNICATION OF A PLURALITY OF FIRST STREAMS AS IS REQUIRED BY CLAIM 30**

Claim 30 depends from claim 20 and further requires that communication of the primary audio and video data stream to the primary users requires less bandwidth than does communication of the plurality of first video and audio data streams to the standard users. The Office Action admits that Shaffer and Jang (either alone or in combination) fail to disclose or suggest this, and instead cites Belknap for disclosure of this element.

As discussed above with regards to claims 1, 21 and 26, it is submitted that Belknap fails to disclose this. Instead of communicating a primary data stream to a primary user while simultaneously communicating a plurality of first streams to standard users at a higher bandwidth, Belknap's teaching is limited to communicating the *same single stream* to all users at different bandwidths. Col. 2, lines 7-8; col. 27, lines 52-65.

**E. THE §101 SUBJECT MATTER REJECTION IS MOOT**

The January Office action also rejects claims 21, 23, 24, and 32 under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, the Office Action suggests that because the claims recite a “computer readable medium,” but that the claims would satisfy §101 if they recited a “computer readable storage medium.” Claim 21, from which claims 23, 24, and 32 depend, has been correspondingly amended with the results that this rejection should be withdrawn. It is noted that this amendment is to the preamble of the claim only, and that no change to the scope of the claim occurs.

**F. CONCLUSION**

In conclusion, it is submitted that the rejections of independent claims 1, 20, 21 and 26 are improper because:

- Each independent claim recites that data streams are communicated and/or received from each standard user to all other standard users whereby each standard user receives a plurality of streams. Shaffer is cited as disclosing this. This is incorrect, however, since Shaffer expressly teaches suppressing video streams from all but a dominant participant and further teaches that each user receive only a single stream.
- The Office Action’s above citation to Shaffer also contradicts an admission made regarding Shaffer in the earlier Final Action and is therefore improper.
- The Abstract of Jang is cited as disclosing each video stream from each user is communicated to all other users. Jang’s Abstract, however, makes no such disclosure.
- With regards to independent claims 1, 21, 26 and dependent claim 30, Belknap is cited as teaching communicating a primary video data stream to a primary user at a lower bandwidth than simultaneous communication of a plurality of first data streams to standard users. This is incorrect, however, since Belknap discloses communicating only a single video stream to all users - low bandwidth internet clients receive it at a low bit rate while higher bandwidth ISDN / intranet clients receive it at higher bandwidth. Col. 27, lines 52-55.




For all of the above reasons, Applicants request reconsideration of the rejections and allowance of the claims. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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